

On February 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18082. Adulteration and misbranding of powdered ipecac root. U. S. v. R. Hillier's Son Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 25016. I. S. No. 0122.)**

Samples of powdered ipecac root from the shipment herein described having been found to contain less ether-soluble alkaloids than required by the United States Pharmacopoeia and less ether-soluble alkaloids and more ash than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against R. Hillier's Son Co. (Inc.), a corporation trading at New York, N. Y., alleging shipment by said company under the name of Charles L. Huisking & Co. (Inc.), in violation of the food and drugs act, on or about February 16, 1929, from the State of New York into the State of California, of a quantity of powdered ipecac root which was adulterated and misbranded. The article was labeled in part: "Powdered Ipecac Root. The lot from which this parcel was taken was carefully sampled, the sample showing an assay of 1.99% Ether Soluble Alkaloids, 3.45% Ash. U. S. P. R. Hillier's Son Company, Inc. \* \* \* New York. \* \* \* Jersey City, N. J."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it yielded 1.47 per cent of the ether-soluble alkaloids of ipecac, whereas the said pharmacopoeia provided that ipecac should yield not less than 1.75 per cent of the ether-soluble alkaloids of ipecac. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to show an assay of 1.99 per cent of the ether-soluble alkaloids of ipecac and 3.45 per cent of ash, and to conform to the standard laid down in the United States Pharmacopoeia, whereas it showed an assay of 1.47 per cent of the ether-soluble alkaloids of ipecac and 5.05 per cent of ash, and did not conform to the standard laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Powdered Ipecac Root \* \* \* 1.99% Ether Soluble Alkaloids, 3.45% Ash U. S. P.," borne on the label attached to the packages containing the article, were false and misleading in that the said statements represented that the article contained 1.99 per cent of ether-soluble alkaloids of ipecac, and 3.45 per cent of ash, and that it conformed to the standard laid down in the United States Pharmacopoeia, whereas it contained 1.47 per cent of the ether-soluble alkaloids of ipecac, and 5.05 per cent of ash, and did not conform to the standard laid down in said pharmacopoeia.

On February 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18083. Adulteration of Spanish ergot. U. S. v. 1 Bag of Ergot Spanish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25578. I. S. No. 15349. S. No. 3870.)**

Samples of Spanish ergot from the import shipment herein described having been found to be moldy, decomposed, and worm eaten, and to contain worm excreta, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one bag of Spanish ergot, remaining in the original package at Brooklyn, N. Y., alleging that the article had been shipped from Vigo, Spain, about August 30, 1927, and was entered at the Port of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bag 28B Ergot Spanish, H. W. New York."